

REMARKS

Claims 1-7 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement by containing subject matter not described in the specification in a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, in claim 1, line 5, the limitation “not greater than about 50% by weight” is new matter.

Claim 1 has been amended to reinsert the original language “of about 50%”.

In claim 7, the limitation “the pressurizing step is performed with a high pressure hydraulic pump, and the step of adding air or oxygen comprises adding the air or oxygen directly into the suction intake of the pump” is found to be new matter.

The foregoing rejection is respectfully traversed in view of the incorporation of the subject matter of claim 7 into new claim 8 and the comments which follow.

In the specification, on page 5, the sentence beginning on line 25, and on page 6, in the sentence beginning in line 11, it is clear that the air or oxygen (along with the remainder of the concentrated solid stream) may be introduced “into the suction of the typical high-pressure hydraulic pump” to “pressurize the solids/air or oxygen mixture”. Thus, support for the subject matter of claim 7 clearly exists in the specification and does not constitute new matter.

Claim 7 has not been rejected on the prior art and, therefore, its incorporation into claim 1, as new claim 8, is believed to present allowable subject matter.

Claims 1-3 stand rejected under 35 USC §103(a) as unpatentable over Duffy et al in view of Swallow ‘604 as set forth in the prior Office Action. Claim 6 stands rejected under 35 USC §103(a) as unpatentable over Duffy et al and Swallow ‘604, as applied to claims 1-3 above, and further in view of Rickard ‘578, also pursuant to the prior Office Action.

Claim 4 was not rejected on the prior art and has been incorporated by amendment into claim 1.

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Therefore, amended claim 1, independent claims 2, 3, 5 and 6, and new claim 8 are all believed to be in condition for allowance. Further favorable action is, therefore, respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Joseph J. Jochman". The signature is fluid and cursive, with the first name "Joseph" and last name "Jochman" clearly distinguishable.

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